

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JD BROTHERS LLC, and others,
Plaintiffs,

v.

LIBERTY ASSET MANAGEMENT
CORPORATION, and others,
Defendants.

Case No. 15-cv-01373 VC (NC)

**ORDER TO SHOW CAUSE AS TO
DEFENDANTS SUNSHINE VALLEY
LLC AND HK GRACE BUILDING
LLC, AND COUNSEL FOR
BENJAMIN KIRK AND SUNSHINE
VALLEY LLC**

On referral from the trial judge, I held a settlement conference in this case on June 15, 2017. On May 30, at docket number 202, I issued an order setting the conference. That order required all parties and their counsel to attend the conference in person.

Defendants Sunshine Valley LLC and HK Grace Building LLC did not appear at the conference. Defendant Benjamin Kirk, a/k/a Benny Ko was present, but a corporate entity cannot appear pro se and must be represented by an attorney, so Kirk could not represent any of the corporate entities. *Rowland v. California Men's Colony*, 506 U.S. 194, 201-202 (1993).

Additionally, counsel of record for defendants Kirk and Sunshine Valley, William Edwin Crockett, did not appear. The Court is aware that Crockett recently moved to withdraw as counsel for these parties. Dkt. No. 181. But that request was denied without prejudice by the trial judge at the pretrial conference. Dkt. No. 200.

Case No. 15-cv-01373 NC

1 Here are some action steps that Mr. Crockett did not take, as far as the Court knows:
2 (1) he did not seek a continuance of the settlement conference; (2) he did not move for
3 permission not to attend; and (3) he did not alert the Court in advance that he would not
4 attend.

5 By June 23, 2017, Mr. Crockett must explain in a filed writing why he did not
6 appear on June 15, why he did not communicate with the Court in advance, and why he
7 should not be sanctioned for failing to comply with a Court order. Other parties and their
8 counsel incurred costs attending the settlement conference. Mr. Crockett must explain
9 why he should not reimburse some or all of those costs.

10 Also by June 23, Sunshine Valley LLC and HK Grace Building LLC, must explain
11 in a filed writing by counsel of record whether they will participate in a future settlement
12 conference in this case. A scheduling call is planned for August 1, 2017, at 10:30 a.m.
13 Sunshine Valley LLC and HK Grace Building LLC are cautioned that if they fail to
14 comply with court orders, a default judgment may be entered against them.

15 **IT IS SO ORDERED.**

16
17 Dated: June 16, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge